

HCS SS SCS SB 595 -- SPECIAL EDUCATION DUE PROCESS HEARINGS

This bill transfers the administration of special education due process hearings from the State Board of Education within the Department of Elementary and Secondary Education to the Administrative Hearing Commission. A commissioner who conducts a due process hearing is prohibited from having been employed by a school district, an organization engaged in special education parent and student advocacy, the state board, or the department, either as an employee or as an independent contractor or consultant, within the last five years. A commissioner also cannot have performed work for a school district or for a parent or a student as a special education advocate within the last five years as an independent contractor or consultant or been party to a special education proceeding as an attorney, parent, or child. The commission must conform to all practices, procedures, filing deadlines, and response times of the requirements of the federal Individuals with Disabilities Education Act (IDEA) when conducting a due process hearing.

When a commissioner renders a final decision, it cannot be amended or modified by the commissioner or the commission.

At least three of the commissioners must receive at least 10 hours of initial training in special education matters and must be the only commissioners assigned to special education due process hearings. The initial training must be selected by the commission in consultation with the department and the IDEA-funded parent training and information center as specified in the bill. Each commissioner assigned to special education due process hearings must complete at least five additional hours of specified training each year. If allowed by the rules and regulations of the training provider, materials from the training must be posted on the commission's website within 10 business days from the date of the training.

The Administrative Hearing Commission Educational Due Process Hearing Fund is created consisting of appropriated moneys, gifts, contributions, grants, or bequests to be used solely for the payment of expenditures incurred by the commission and attributable to due process hearings and state and federal legislation and regulations.

The provisions of the bill regarding the commissioners assigned to special education due process hearings and the provisions regarding the Administrative Hearing Commission Educational Due Process Hearing Fund contain an emergency clause.